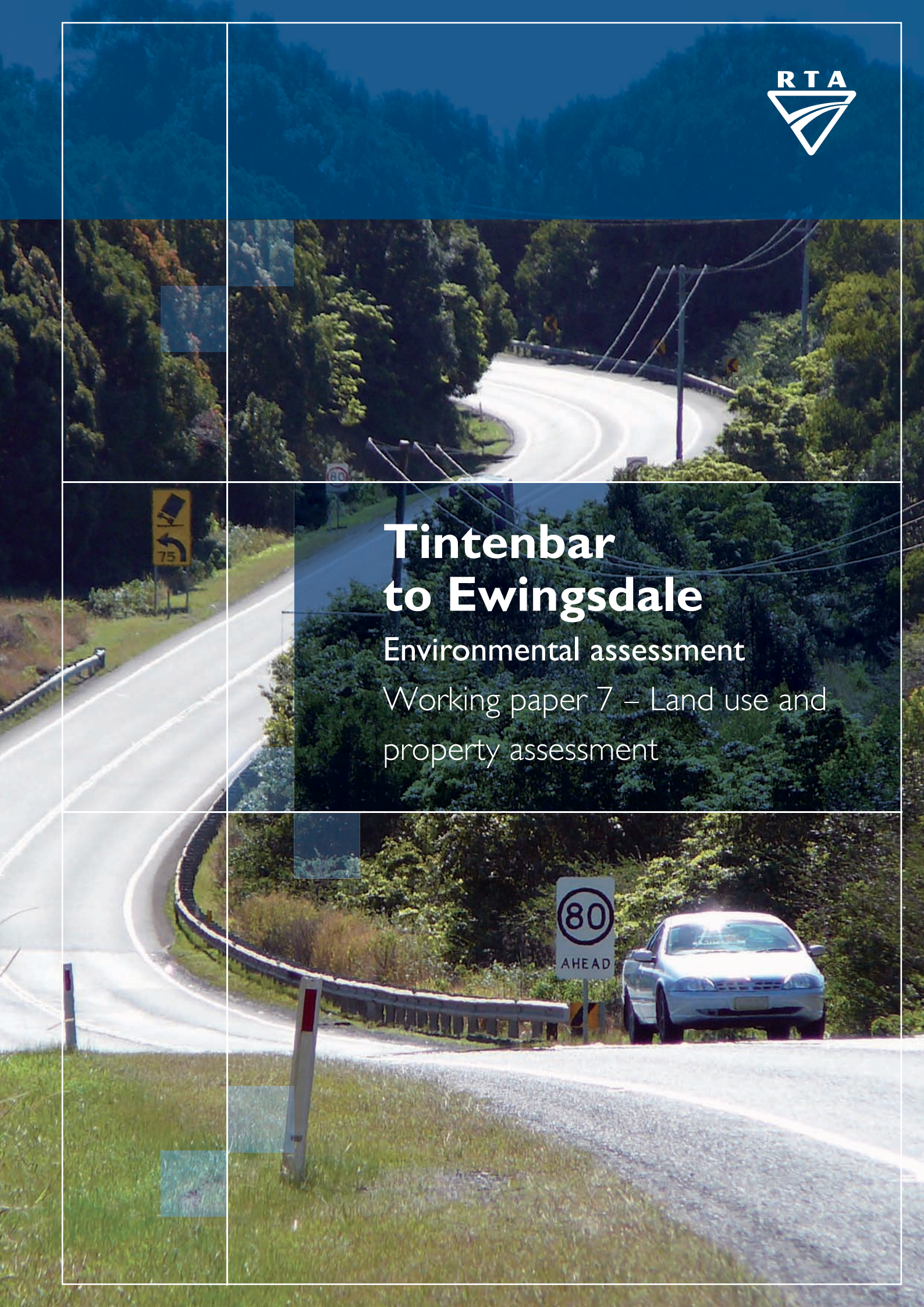

Tintenbar to Ewingsdale

Environmental assessment

Working paper 7 – Land use and property assessment

Pacific Highway Upgrade Tintenbar to Ewingsdale

Land Use and Property Assessment

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1 Introduction

In September 2006, the Minister for Roads announced the proposed route for the Pacific Highway upgrade between Tintenbar to Ewingsdale. Under the *Environmental Planning and Assessment Act 1979* (EP&A Act), the RTA is required to assess the environmental impacts of the proposed highway upgrade. In May 2007, the Director-General of the Department of Planning (DoP) issued requirements (DGRs) for the environmental assessment of the proposed highway upgrade.

Land use and property issues identified in the DGRs were as follows:

- impacts to directly affected properties and land use adjacent to the project including: impacts to land use viability and future development potential, including property title impacts; land sterilisation and severance impacts; and impacts to the connectivity and contiguity of small settlements including Newrybar and Knockrow;

- consideration of the project impacts on the attainment of the objectives of Far North Coast Strategy; and

- development of a mitigation strategy aimed at promoting appropriate final land uses on lands subject to partial or full acquisition as a result of the project, in consultation with Ballina and Byron Shire Council.

This report, prepared by Hassall & Associates (Hassall), responds to these issues except for those relating to connectivity and contiguity of communities and the attainment of the objectives of the Far North Coast Regional Strategy. These two issues are addressed in the Social and Economic Working Paper.

In relation to the issue of viability referred to in the DGRs, this feature is applied to the business conducted on the land and is influenced by a range of factors that are not always related to enterprise and size. There are instances where both large and small enterprises are viable due to the circumstances of the landowner. On the other hand, similar size blocks supporting similar enterprises may not be viable, again due to the circumstances of the landowner. The land required for the highway alignment will not follow property and lot boundaries and as a consequence, severance will create remnant parcels of land, that is that part of a lot that is purchased by the RTA to satisfy the highway corridor but which is not subsequently required. As an overview, we have assumed that the addition of remnant land to existing landholdings is desirable where it offers the opportunity to increase the size of the dominant existing land use undertaken by the recipient. In addition, it protects the production base for the relevant agricultural enterprise.

We considered the issue of future development potential in relation to possible land use changes. Discussions were held with DPI and local government personnel on the issue. The two conflicting pressures involve, on the one hand, the expansion of existing successful landowners seeking to increase the size of their agricultural

enterprise to achieve economies of scale and, on the other hand, landowners wishing to subdivide their holding to capture increased land values where building entitlements are attached to the lots created by subdivision.

The dominant land use on land to be affected by the highway upgrade is extensive cattle grazing which is a relatively low value enterprise based on return per hectare. There are areas currently grazed by cattle that are suitable for more intensive enterprises. The highway upgrade will not interfere with the future development potential of these lands. The future development of these lands will be influenced more by the fortunes of the various enterprises.

Councils are preparing revised Local Environmental Plans (LEPs) with pressure from the Department of Planning to increase the minimum land area to which a dwelling entitlement can be attached. The paper recommends amalgamation of adjacent properties with a view to protecting existing land use and providing the opportunity for enhanced land use. In the alternative, it recommends sale of remnant land that can be operated sustainably. Both recommendations meet Councils' strategies.

Section 2 of this report details the methodology used to address the DGRs in relation to impacts on agriculture.

Section 3 describes the impact to affected lots.

Section 4 details a remnant land strategy for lots subject to partial or full acquisition by the RTA.

2 Methodology

The methodology consisted of seven components:

- Assessment preparation.
- Land use mapping.
- Remnant land characteristics.
- Agency consultation.
- Likely future land use of remnant land.
- Foregone income.
- Remnant land strategy.

2.1 Assessment preparation

Assessment preparation included liaising with Arup to:

- Review DGRs.
- Review public submissions relating to agriculture.
- Determine and obtain geographic information system (GIS) data required for the assessment.
- Review proposed highway upgrade including indicative cut and fill sections, areas for depots, interchanges and access roads.
- Review surveys of potentially affected land holders (see *Preferred Route Report RTA 2006*, in particular *Tintenbar to Ewingsdale: Upgrading the Pacific Highway – Working Paper on Agricultural Considerations for Route Option* (RTA, 2006)).

2.2 Land use mapping

The *Preferred Route Report* (RTA, 2006) mapped current land use based on:

- May 2005 orthorectified aerial photography.
- Responses from surveys of potentially affected landowners.
- Field truthing conducted in December 2005.

This mapping provided the basis for determining the impact on current land use for lots directly affected by the proposed highway upgrade. The mapping was reviewed to:

- Verify land use on each affected lot.
- Where necessary, segregate houses from farm sheds and processing facilities.
- Re-classify water courses as either timbered or cleared.

Table 2.1 shows the land use classes adopted for the mapping and provides a definition for each class. It also categorises land use into four groups:

- Agricultural land.

- Natural areas.
- Farm infrastructure.
- Rural residential.

Table 2.1 Land use classes

Land use class	Definition	Category
Access roads	Includes driveways to house but does not include roads within or between paddocks.	Farm infrastructure
Cleared and cultivated	Land that has been cropped annually or has been prepared for permanent planting, but is not yet planted.	Agricultural land
Coffee immature	Coffee plantations planted in or after 2000.	Agricultural land
Coffee mature	Coffee plantations planted before 2000.	Agricultural land
Floriculture	Land used for cut flower production.	Agricultural land
Grazing	Grazing land.	Agricultural land
House block	House and garden area on larger lots, including pool, tennis courts and garages.	Farm infrastructure
Macadamias immature	Macadamia plantations planted in or after 2000.	Agricultural land
Macadamias mature	Macadamia plantations planted before 2000.	Agricultural land
Nursery	Land used for nursery production, including in-ground nursery plantations and fisheries activities.	Agricultural land
Other fruits	Fruits including avocados, passion fruit, lychees, custard apples, guava, berries, tamarillo, bananas, exotic fruits and pecans. Excludes stone fruits.	Agricultural land
Rural residential	Lots less than 3 hectares with a residence.	Rural residential
Sheds	Sheds including animal shelters, processing facilities, machinery and storage sheds.	Farm infrastructure
Stone fruit	Stone fruits including peaches, nectarines and plums.	Agricultural land
Timber	Remnant native vegetation and planted vegetation.	Natural areas
Timber plantation	Planted timber with harvest guarantee.	Agricultural land
Vegetables	Market gardens including bamboo plantations, excluding home vegetable plots.	Agricultural land
Water course - cleared	Rivers and creeks on grazing land.	Agricultural land
Water course - timbered	Rivers and creeks timbered.	Natural areas
Water supply	Dams.	Farm infrastructure

Utilising GIS, Hassall overlayed the land use data with the proposed road reserve to calculate the areas of land (by land use) directly affected and indirectly affected. Directly affected land is the portion of an allotment within the road reserve of the proposed highway upgrade. Indirectly affected land is the remaining (severed) portion(s) of the allotment that is directly affected by the road reserve of the proposed highway upgrade.

2.3 Remnant land characteristics

Hassall examined the size, layout, topography, access, land use, and water supply characteristics for the remnant portion(s) of each directly affected lot and measured the area of each form of land use.

2.4 Agency consultation

A key component of the environmental assessment process was to ensure that Ballina Shire Council, Byron Shire Council, Rous Water and the Department of Primary Industries (DPI) contributed to the development of the remnant land strategy. This was to ensure that the Remnant Land Strategy was developed in accordance with Local Environmental Plans and provided the opportunity to enhance existing environmental programs.

Consultation with representatives from each Council, Rous Water and DPI were conducted during June and July 2007. During the consultation key issues for incorporation into the remnant land strategy were identified.

Subsequent meetings were held with the agencies to seek their feedback on the draft remnant land strategy.

Meetings were also held with RTA personnel including RTA Property Services to ensure specific concerns were considered and to review outcomes from the study.

The outcome from the agency consultation was the identification of key issues to be addressed by the remnant land strategy.

2.5 Likely future land use

The likely future land use of the remnant portion(s) of directly affected lots was determined based on:

- Possibility for boundary adjustments.
- Access to agricultural land.
- Suitability for access to agricultural land.
- Size of remnant agricultural area.
- Access to water and processing facilities.

The likely future land use of the remnant land was allocated to one of the following possibilities:

- Remain in current land use.
- Change agricultural land use (eg from coffee to grazing).
- Be removed from agricultural production into natural areas (eg from coffee to timber).

An important consideration in mitigating the impacts of the proposed highway upgrade is reducing the potential for future conflict between the highway and adjacent land uses. Land use conflicts can result in land becoming effectively sterilised from agriculture, as farmers become constrained from certain farming practices (eg spraying crops). The major intrusions to neighbours from agricultural activities include spray drift, dust and noise. Vegetative buffers can be used to mitigate conflicting land use and reduce the potential impact of one activity on an adjoining activity. Therefore, areas were identified for the creation of vegetative buffers to enable the continuation of existing intensive land use.

The RTA recognises potential opportunities to carry out revegetation and riparian restoration works prior to and during the construction of the proposed highway upgrade. Any revegetation and riparian restoration would need to be consistent with existing programs and environmental objectives of land managers in the area, particularly Ballina Shire and Byron Shire councils, and Rous Water. It would also need agreement regarding ongoing management where the public land is involved.

2.6 Develop remnant land strategy

The Director-Generals Requirements necessitated the development of a remnant land strategy to promote appropriate final land uses on lands affected by the proposed highway upgrade.

The remnant land strategy also considers the management of acquired land prior to and during the construction of the proposed route.

The process of developing the remnant land strategy involved:

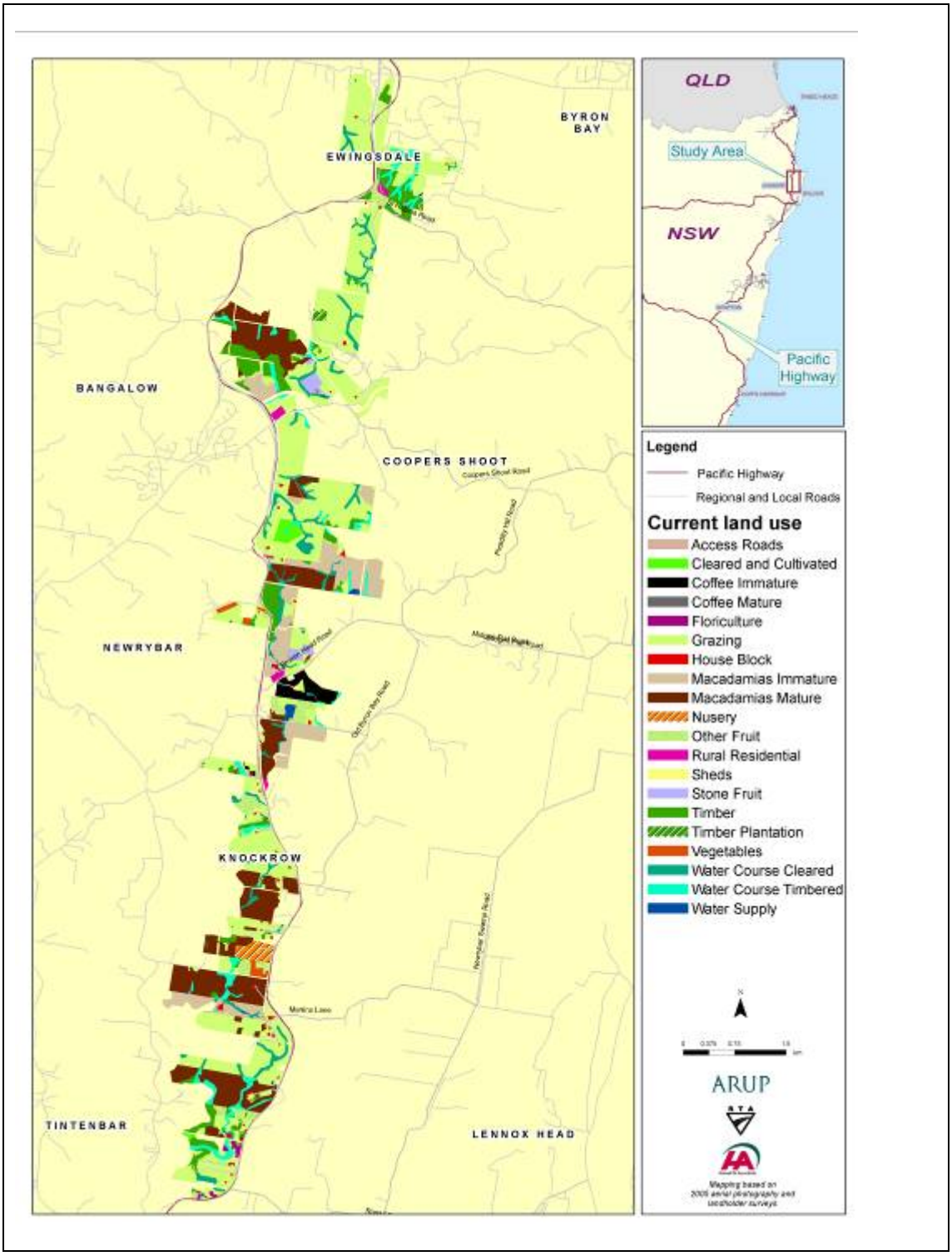
- Identifying the key issues to be considered.
- Developing principles to address the issues.
- Drafting an action plan to implement the principles.

Information that emerged from discussions with the project team and agencies, combined with results from the 2005 landholder survey, were used to develop the strategy.

3 Impacts

The most extensive agricultural land uses along the proposed route (in terms of area of land) are cattle grazing and horticulture including tree crops such as macadamias, coffee and stone fruits (see Figure 3-1).

Figure 3-1 Current land use for lots directly affected by the proposed highway upgrade



3.1 Affected lots

A total of 73 lots are directly affected by the proposed highway upgrade. There are incidences where a landholder owns more than one lot. Of the 73 lots, six would be captured entirely within the road reserve, 39 lots would be severed with one parcel of land remaining and 28 lots would be severed into two unjoined parcels of land.

The areas of land directly and indirectly affected by the proposed route are presented in Table 3.1.

Table 3.1 Area of land directly and indirectly affected by proposed route (ha)

Description [(a)]	Directly affected [(b)]	Indirectly affected [(c)]	Total of all affected lots
Agricultural land	197	998	1195
Natural areas	21	139	160
Farm infrastructure	7	25	32
Rural residential	4	4	8
Total [(d)]	**230**	**1166**	**1396**

(a) based on 2005 aerial photography, landowner surveys and ground truthing undertaken by Hassall & Associates. Table 2.1 of this report provides definition of all land use classes.
(b) the portion of land of a lot directly affected.
(c) the remaining (severed) land within those lots that are directly affected.
(d) excludes crown road reserves and existing Pacific Highway.

3.1.1 Impact on agricultural land

The proposed upgrade would impact on local agricultural production. One of the determining factors in assessing the value of the impacts is the capability of the land to support particular agricultural activities. The impacts would be greater where land is supporting high value activities compared to land supporting extensive livestock grazing.

As well as direct land loss, agricultural production may also be affected by losses in production related infrastructure, altered drainage and access, and forced changes to management.

Table 3.2 shows the areas of agricultural land, by land use, directly affected by the proposed highway upgrade.

Table 3.2 Directly impacted agricultural land

Land use [(a)]	Area affected (ha) [(b)]
Grazing	111.7
Macadamias mature	37.6
Water course – cleared	17.2
Macadamias immature	7.9
Nursery	7.1
Other fruit	6.9
Coffee immature	3.1
Vegetables	2.2
Cut flowers	1.9
Stone fruit	0.8
Timber plantation	0.7
Cleared and cultivated	0.1
Total	**197.2**

(a) based on 2005 aerial photography, landowner surveys and ground truthing undertaken by Hassall & Associates. Table 2.1 Land use classes of this report provides definition of all land use classes.
(b) the portion of land of a lot directly affected.

The impacts on indirectly affected agricultural land are shown in Table 3.3.

Table 3.3 Impacts on indirectly (severed) agriculture land (ha)

Description	Area
Remain in current land use[(a)]	966.5
Change in agricultural land use [(b)]	13.5
Potential conversion to natural areas [(c)]	17.8
Total	997.8

(a) there would be no change in land use due to the highway upgrade.
(b) area of land converted from one agricultural land use to another agricultural land use.
(c) area of land converted to either a vegetative buffer or timber for revegetation or riparian restoration.

A total of 17 lots would require the establishment of buffers to allow for the continuation of existing land use. Where possible these buffers should be established within the road reserve. However, there are at least 10 lots that would require the 20 m wide buffer, outside of the road reserve. Buffers would be considered during the acquisition phase.

A total of 26 lots have been identified as including potential sites for revegetation or riparian restoration. The remnant land strategy discusses opportunities for revegetation or riparian restoration including land ownership and management in more detail.

3.1.2 Land sterilisation (trapped land)

The issue of trapped land has been raised by the community. This analysis is conducted only on lots directly affected by the proposed highway upgrade. The alignment of the proposed highway upgrade results in 22 lots that would have land trapped between the existing highway and the upgrade. Summaries of trapped land are given in Table 3.4 and Table 3.5.

Table 3.4 Area of trapped land (ha)

Trapped land-land use	Area
Agricultural land	45.56
Natural areas	5.82
Farm infrastructure	0.00
Total area of trapped land	51.38

Table 3.5 Impact on areas of agricultural for trapped land (ha)

Description	Area
Total agricultural area for trapped land	**45.56**
Area of trapped land to remain in current land use	31.59
Area of trapped land to change land use	6.22
Area of trapped land to be removed from production	7.76

Remnant land strategy

4.1 Scope

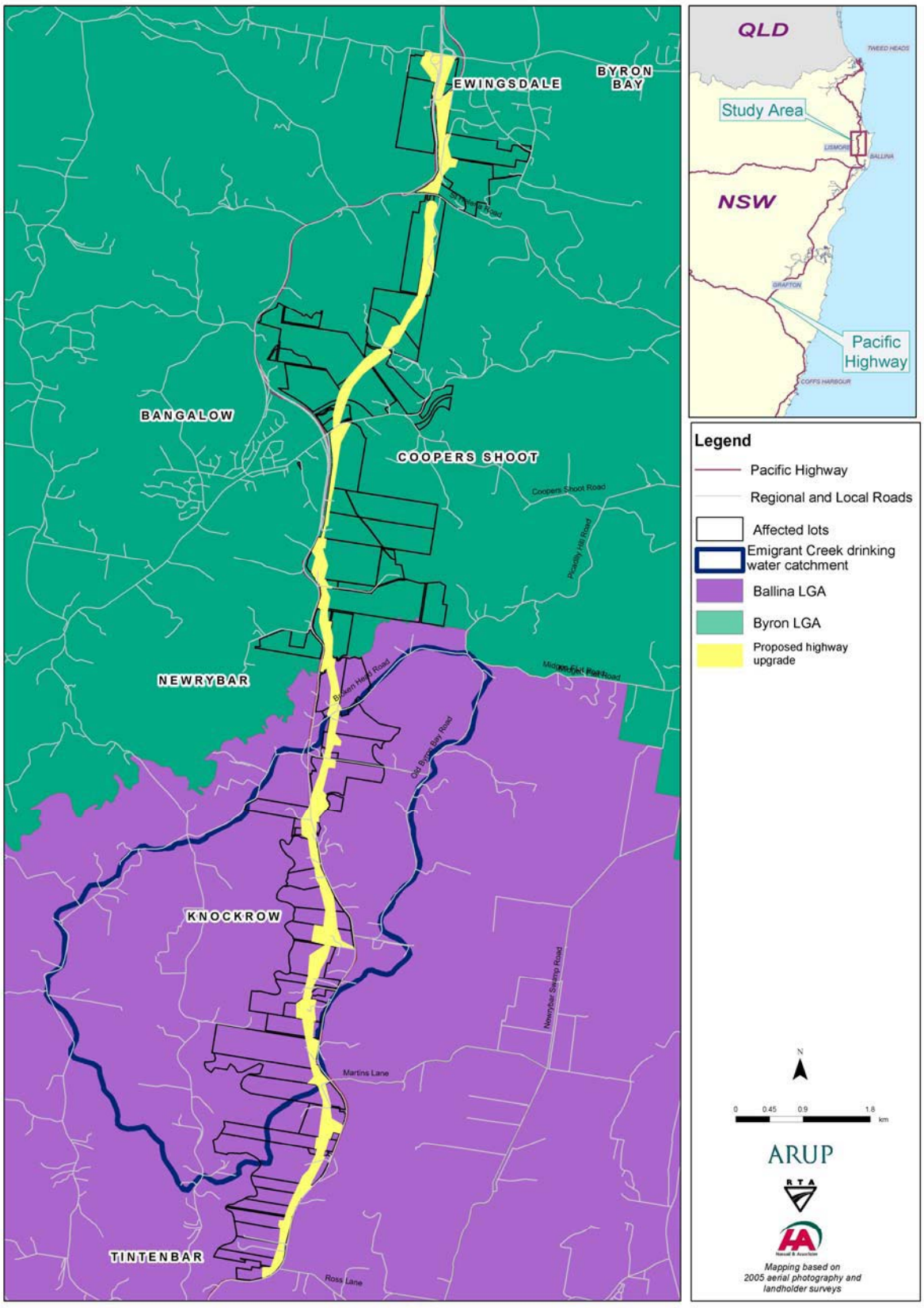
The remnant land strategy (strategy) applies to lots subject to acquisition for the proposed highway upgrade. The strategy was developed on two scales: at the individual lot scale and at the catchment scale. At the individual lot scale, constraints imposed by the proposed highway upgrade to future development were considered (eg remnant land too steep for buildings). At the catchment scale, remnant land was assessed within the wider context of:

- Managing the Emigrant Creek catchment.
- Ballina Shire Council planning strategies.
- Byron Shire Council planning strategies.

The strategy area is shown in Figure 4-1.

The remnant land strategy identifies the issues to be considered, identifies the principles based on these issues and sets out an action plan.

Figure 4-1 Strategy Area



4.2 Strategy aims

The overall aim of the remnant land strategy is to promote appropriate final land uses on lands affected by the proposed highway upgrade.

4.3 Issues to be considered

The key issues identified during consultation with the various stakeholders were:

- Local environmental plans, particularly in relation to subdivision and retention or relocation of dwelling entitlements.
- Protection of land for present and future agricultural production.
- Ownership and management of remnant land potentially transferred to government bodies.
- Management of land acquired by the RTA prior to the construction of the highway.
- Land use conflict.
- Revegetation and riparian restoration.

4.3.1 Local environmental plans

Currently, both Ballina Shire and Byron Shire Councils are updating and renewing their local environmental plans (LEPs) based on the standard plan established by the NSW State Government. On 31 March 2006, the NSW Government gazetted the *Standard Instrument (Local Environmental Plans) Order 2006* which provides a template for the development of comprehensive LEPs by Councils in NSW. The new standard template contains standard zones, provisions and definitions. Both Ballina Shire and Byron Shire councils are required to complete their new plans by the end of March 2009. Council may include provisions for the proposed highway upgrade in the Local section of the Standard Instrument.

The *Ballina Local Environmental Plan 1987* has been amended numerous times and needs to be read in conjunction with the Environment Planning & Assessment Model Provisions adopted by the Ballina LEP. There are four zones relating to the lots subject to acquisition by the proposed highway upgrade as shown in Figure 4-2. Zone 1(a1) refers to Rural (Plateau Lands Agriculture), Zone 1(b) to Rural (Secondary Agricultural Land), Zone 7 (c) to Environmental Protection (Water Catchment) and Zone 7 (l) to Environmental Protection (Habitat).

The *Byron Local Environmental Plan 1988* applies to all land located within Byron local government area. The current zoning of lots subject to acquisition by the proposed highway upgrade is shown in Figure 4-3.

Figure 4-2 Ballina Shire Council LEP zones

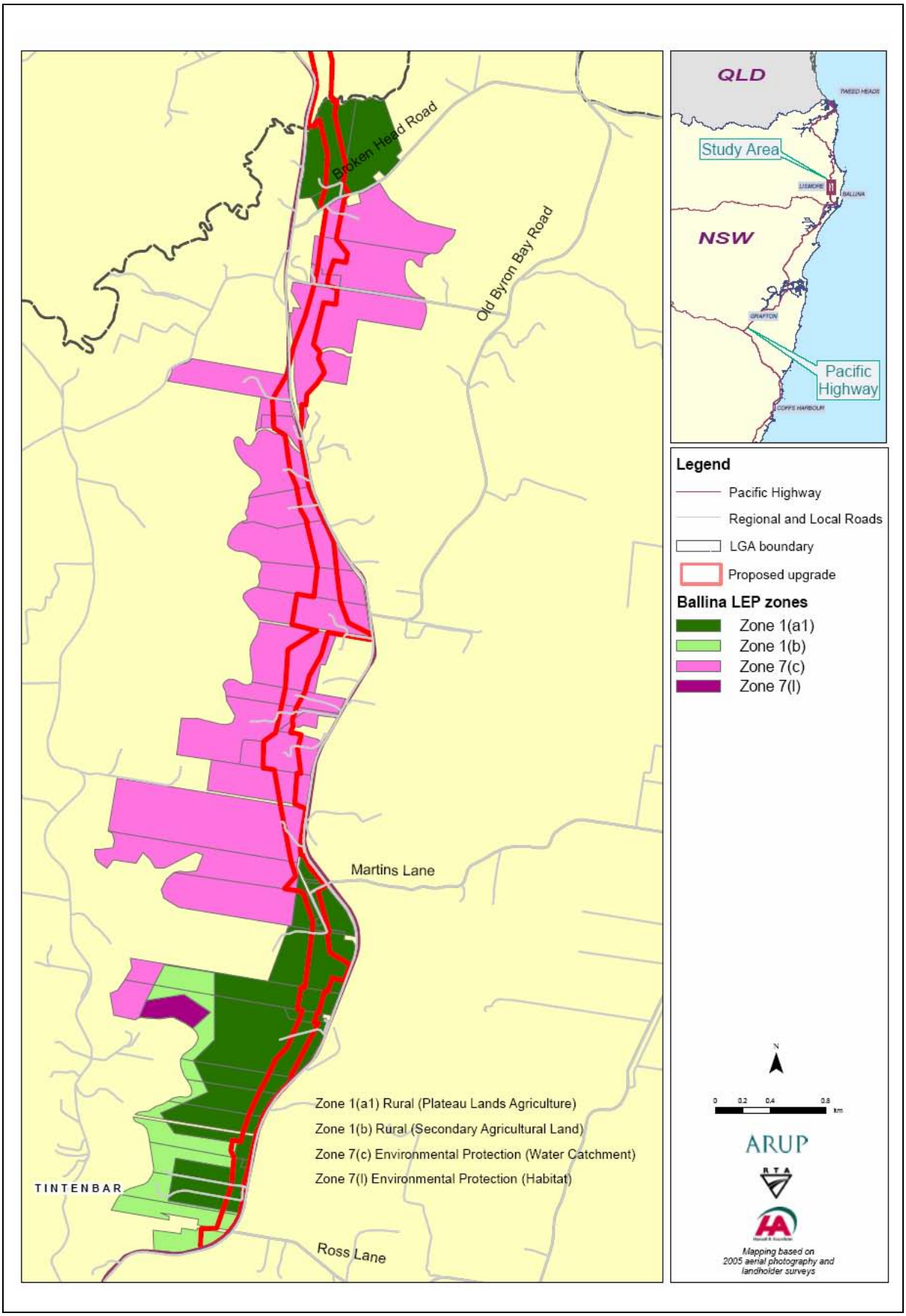
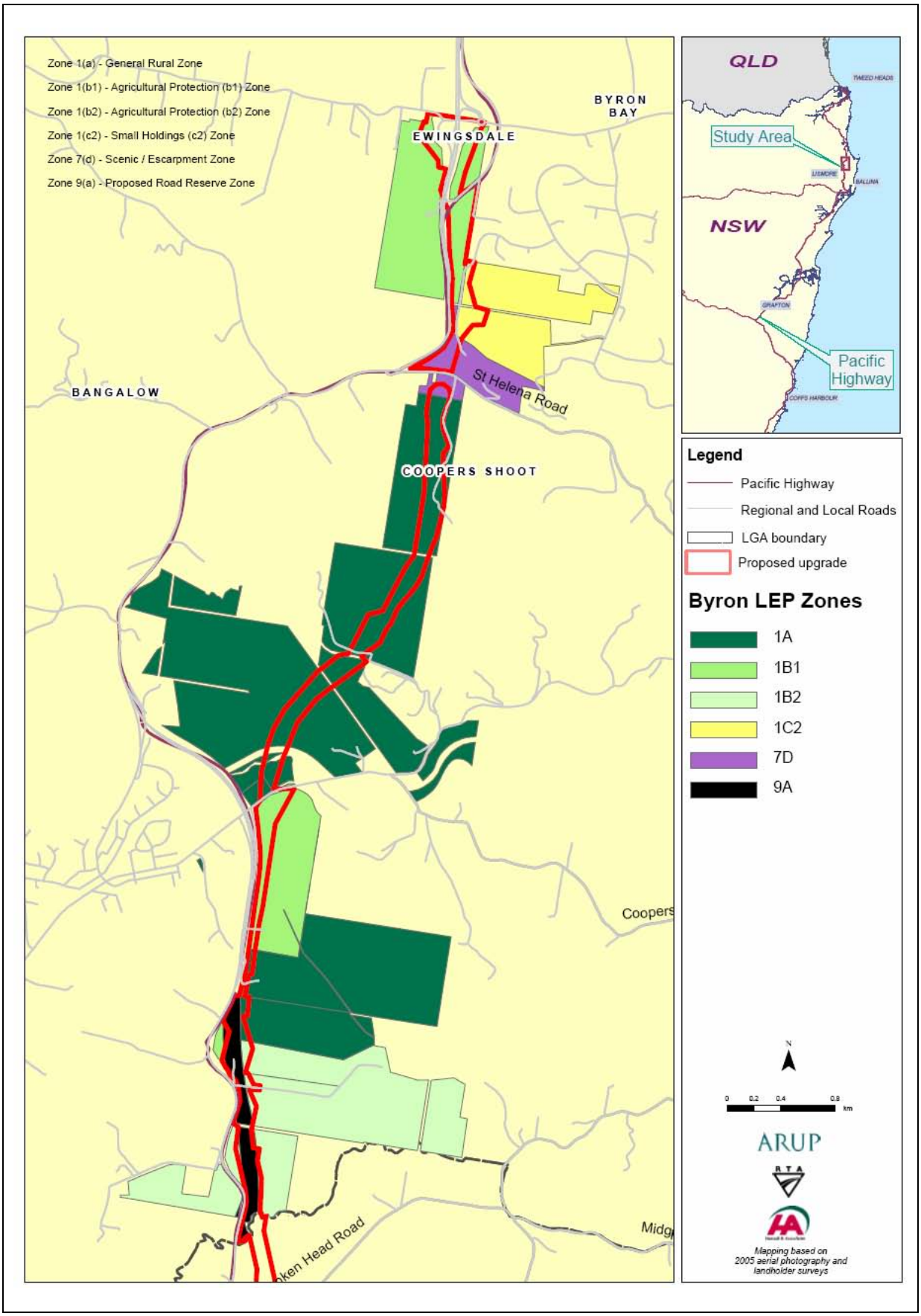


Figure 4-3 Byron Shire Council LEP zones



There are two key issues in relation to LEP's:

- Subdivision of land.
- Relocation or cancellation of dwelling entitlements . Dwelling entitlements refer to the right to build a house on a portion of land, usually on a rural holding.

Standard practice where a lot is subdivided leaving remnant land has been to allocate a single lot number to the residual land whether it is a single parcel or a number of residual parcels. Where there are residual parcels, they would be joined by a vinculum therefore creating no additional allotments and dwelling entitlements. Both Councils expressed concern that this process may create isolated parcels of land not suitable for agricultural production. Discussion with the Councils indicated their preference and interest in assisting with boundary adjustments to reduce the number of isolated parcels of land.

When a lot is severed into two unjoined parcels, both Councils indicated that it would be acceptable (and preferred) to have each of them boundary adjusted to neighbouring unaffected lots. A development application would need to be lodged with the relevant Council for consideration and approval. No additional dwelling entitlements would be created as a result of boundary adjustment unless the boundary adjustment resulted in an allotment larger than the minimum size for subdivision (refer to LEPs for minimum size of subdivision).

A major concern for the landholders affected by the proposed highway upgrade is the impact on dwelling entitlements. Both Ballina and Byron Councils have indicated that their respective LEPs contain 'do not preclude' provisions for the relocation of dwelling entitlements within the same allotment when they are directly affected by the proposed highway upgrade. If there is no suitable house relocation site, the dwelling entitlement would be cancelled and the residual parcel of land may be consumed by boundary adjustment either with an adjoining parcel of land or into the road reserve.

In Byron Local Government Area (LGA), relocation of houses is permissible under clause 15 (2b) of the *Byron Local Environmental Plan 1988.* Prior to granting consent for the relocation of a house, Council needs to confirm that a dwelling entitlement has been granted to the allotment. If a dwelling entitlement is confirmed, a Development Application is required to relocate the house on the land. If there is no dwelling entitlement, the process would follow the LEP provisions.

For Ballina LGA, it will be necessary to obtain consent for the relocation of a house prior to the subdivision of the lot (ie prior to the creation of a lot for the highway). Once a lot has been subdivided, the dwelling entitlement has been extinguished, as the new allotment has not been created under the terms of the Ballina LEP. However, it is noted that Ballina Shire Council is currently preparing an amendment to the LEP which, once made, would have the effect of preserving the dwelling entitlement. Prior to granting consent for the relocation of a house, Council needs to

confirm that a dwelling is lawful. Once so established, an application must be submitted to Council to relocate the house. Two applications will need to be made:

- First, a development application will be required to relocate the house to a new site on the lot.
- Second, a construction certificate application for the new house.

If consent is granted to relocate a house, the application will stay current for five years. If the consent has not been activated within the five years, a new application will need to be submitted to Council.

For both Councils, the application for relocating a dwelling entitlement needs to consider many factors including but not limited to access, land use conflict, on-site effluent management, contamination and noise impact from the adjoining highway

Both Councils stressed the importance of being notified in writing that compensated for the loss of a dwelling entitlement has been agreed and paid to avoid the possibility of the owner of the land seeking a new entitlement arguing that the situation has special features relating to the highway upgrade.

After consideration of the LEP and remnant land characteristics it is estimated that:

- 15 lots may have their dwelling entitlement cancelled.
- 3 lots may have one of two dwelling entitlements cancelled.
- 8 lots may be eligible to have their dwelling entitlement relocated.
- 1 lot may be eligible to have one of its two dwelling entitlements relocated.
- Dwelling entitlements would not be affected for 46 lots.

An important step in the acquisition process is to ensure that affected landholders are made aware of the local government provisions and that consideration for the timing and costs associated with ensuring retention of building entitlements where permissible are incorporated into the compensation package.

4.3.2 Protecting agriculture

The Department of Primary Industries (DPI) seeks to protect, promote and sustain agriculture along the proposed route.

The DPI expressed concerns about the possible impact on the future of agriculture in the area. There is a range of external factors that impact on the agricultural sector including policy and regulation, commodity markets, infrastructure provision and quality, access to labour resources and drought. Agricultural properties along the proposed highway upgrade are influenced by these factors.

The future agricultural development of the area would be largely determined by the prospects for financial rewards from more intensive land use and by the availability of land suitable for low intensity land use such as cattle grazing to more intensive cropping. The proposed highway upgrade is unlikely to influence either of these factors however, the strategy aims to maximise the amalgamation of residual parcels to avoid the creation of small isolated unproductive lots.

4.3.3 Ownership and management of remnant land potentially transferred to other authorities

Both Councils expressed concerns regarding ownership of remnant land set aside for environmental purposes. Consideration would need to be given to the cost of managing the land. Councils' preference is for land set aside for revegetation or riparian restoration to be incorporated into the road reserve.

Rous Water indicated that it may be interested in owning land within the Emigrant Creek Catchment. However, they would also need to further consider the cost of managing the land.

4.3.4 Management of land acquired by the RTA prior to the construction of the highway

Traditionally, land acquired prior to the construction of the works is leased either to the existing owner (if he or she expresses interest in a lease) or an expression of interest is sought for occupation and management of the land.

In the area of the proposed highway upgrade, there are exploitive land management systems (eg over grazing) that could possibly cause severe damage to not only the lot leased but also to neighbouring properties. There is also the risk of underutilisation or management of lots leased resulting in aggravated disease and pest infestations to neighbouring properties. Given that in many cases, only part of the planting will be required for the road corridor and, cognisant of the desirability of ensuring that the remnant land is sold in a productive state at least to the standard at the time of purchase, skilled management will be a key ingredient in achieving the objective of protecting the existing and future agricultural production base..

It is suggested that consideration be given to establishing a leasing procedure that initially calls for expression of interest from land managers who have either direct experience with leasing comparable land uses or direct and continuing expertise with production similar to that practiced on the subject property. The additional assessment step involves ranking the applicants based on experience and then negotiating realistic lease rental terms. The goal would be to maintain agricultural production from the area at the same time as protecting the asset.

4.3.5 Land use conflict

To protect agriculture from potential land use conflict, buffer zones offer the most satisfactory prospects. Planting of these buffer zones should commence as soon as

possible on land acquired by the RTA, thus allowing the trees time to reach desirable height and density. Rous Water, DPI and Northern Rivers Catchment Authority have lists of suitable plants for buffer zones.

4.3.6 Opportunities for revegetation or riparian restoration

The RTA has indicated that it would undertake a revegetation and riparian restoration program as part of the proposed highway upgrade.

Discussions with Rous Water, Councils and representatives from local Landcare groups highlighted the need to incorporate any riparian restoration programs with existing revegetation programs in the area.

The Emigrant Creek Healthy Catchment Program established by Rous Water, seeks to assist landholders undertake projects to improve water quality. Projects may seek to reduce erosion, improve vegetation management along creeks and water courses, or improve skills in natural resource management. Current projects on affected lots are shown in Figure 4-4. The program includes those lots adjacent to Emigrant Creek and its tributaries.

Bryon Shire Council has identified areas of high conservation value and wildlife corridors as shown in Figure 4-5.

Stakeholders identified a number of tasks that would need to be carried out in establishing areas for revegetation and riparian restoration, including:

- Establishing the goals of the revegetation and riparian restoration program.
- Developing a revegetation and management plan for each of the sites.
- Considering the management and maintenance of the sites, particularly in relation to weed control.
- Recognition of the need to provide three to five years of care to planted areas to ensure vigorous establishment.
- Selecting appropriate plants for each site.
- Establishing water points for stock where necessary.
- Fencing off areas of revegetation.
- Working alongside the local community and Rous Water.
- Identifying how these areas can be protected in the long term.

Figure 4-4 Location of Healthy Catchment Projects on affected lots

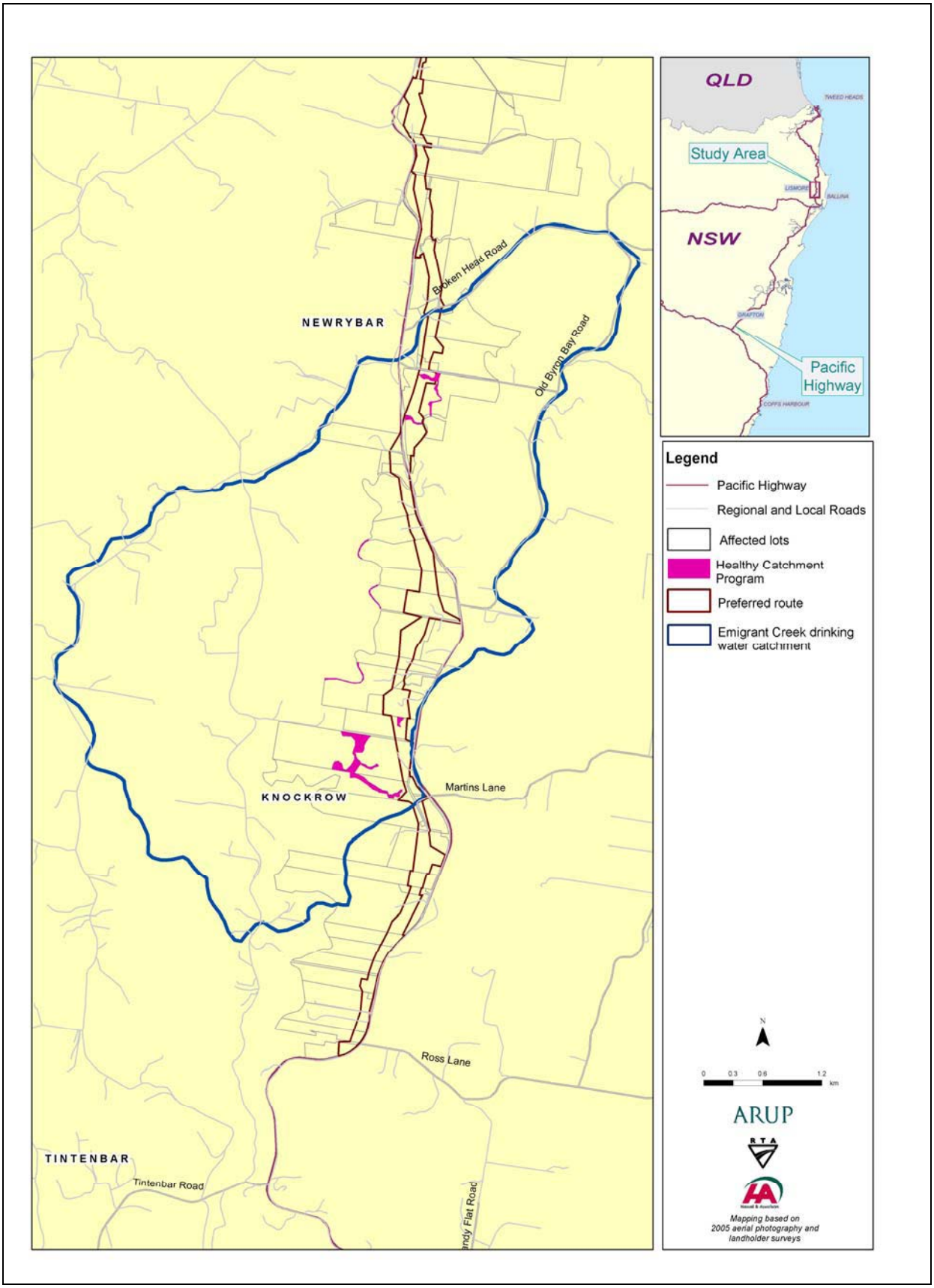
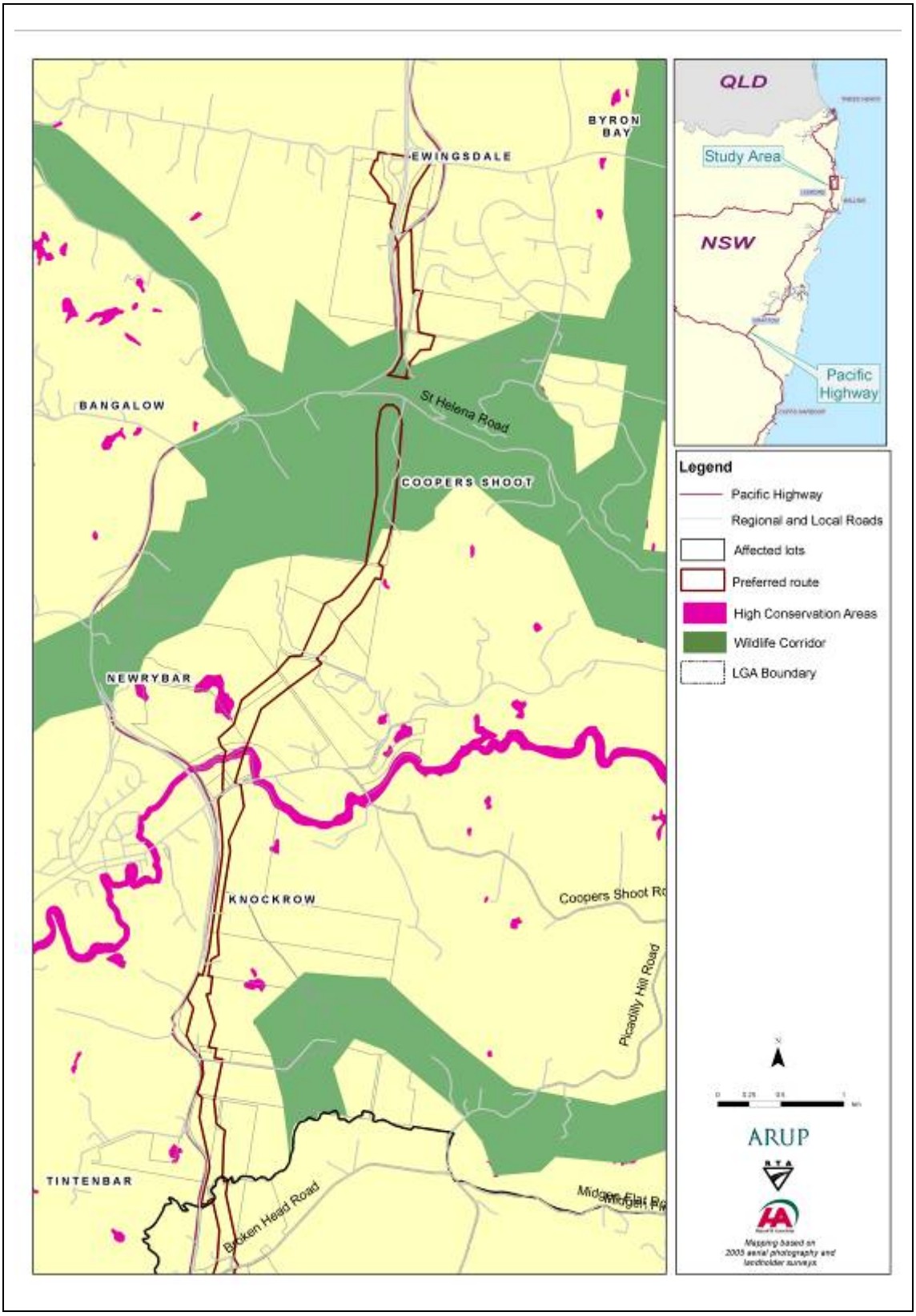


Figure 4-5 Area of high conservation and wildlife corridors - Byron Shire Council



4.4 Remnant land strategy principles

The issues to be considered in addressing remnant land include:

- The size of the residual land area(s).
- Access to the residual land.
- Isolation from processing and/or farm management facilities.
- Interruption to water supply.
- The requirements to avoid land use conflict.
- The loss of dwelling entitlement.
- Loss of major income producing activity.
- The need for ancillary work sites during construction.
- The constraints that apply to disposal of land by a government authority.

The remnant land strategy is influenced by two major activities namely acquisition and disposal. Both aspects have been discussed extensively with Ballina and Byron Council staff, Rous Water and with the RTA. The suggestions are based on the consideration of each of the above.

In relation to land acquisition, the following principles are important in arriving at a desirable remnant land management outcome:

- Full purchase of the lot to meet the RTA requirement for the proposed highway upgrade.
- Partial purchase of the lot to meet the RTA requirements which when met leaves remnant land that has commercial use either as an entity or as a desirable addition to a neighbouring lot or has the potential to contribute to revegetation and riparian restoration.

The process of acquisition will involve purchase by the RTA by compulsory process or agreement in accordance with provisions of the Just Terms Compensation Act.

In terms of the destiny of land acquired by the RTA but not required for the proposed highway upgrade, it is suggested that the following range of outcomes be promoted.

- Amalgamation with adjacent properties to protect existing land use and to provide increased opportunity for enhanced land use.
- Sale where remnant land is capable of being operated sustainably.

- Establishment of vegetative buffers where required to ensure protection of existing agricultural production and where the highway landscaping will not provided adequate buffering.

- Undertaking revegetation works with ownership and management responsibility to be negotiated with relevant authorities.

- Promotion of existing environmental programs including Emigrant Creek Healthy Catchment program and Byron Council High Conservation Areas

- Leasing principles for land not immediately required, to encourage a high standard of land and production management.

- Creation of awareness among affected residents of Councils' procedures for dwelling entitlement retention, relocation and/or cancellation.

Given that the new alignment will extinguish existing vegetative buffers on private land where the landholder took responsibility for the maintenance of the vegetation that acted as an effective buffer and the proposal includes, in some cases, establishment of replacement buffers on land within the road corridor, the issue of maintenance requires resolution. This matter requires the establishment of a policy for inclusion in acquisition negotiations.

4.5 Actions

The following actions would be undertaken as part of implementing the principles described in Section 4.4 above. There are two major components of the action plan:

- Authority involvement.

- Ensuring that there is a consistent and correct understanding of processes by the affected landowners.

4.5.1 Authority involvement

It is envisaged that the authorities involved in the implementation of the remnant land strategy would include Byron Shire and Ballina Shire councils, Rous Water and DPI, with input from local Landcare group representatives.

It is proposed RTA undertakes sufficient contact with the relevant authorities to:

- Outline the principles of the remnant land strategy.

- Obtain feedback on the principles of the remnant land strategy.

- Identify possible solutions to residual issues.

- Delineate between development works and ongoing activities.

- Identifying the appropriate extent, location and nature of revegetation and riparian restoration.
- Allocate responsibilities for ownership and management of remnant land identified for revegetation and riparian restoration.
- Establish a working group with defined responsibilities to aid the resolution of disputes, to manage community communication and to assist implementation of the outcomes of the authority liaison

4.5.2 Landowner understanding

The RTA would take all reasonable steps to ensure that landowners subject to acquisition understand the acquisition process and their rights and responsibilities. Actions would include:

- Conducting meeting(s) with all affected landholders to present details of the process.
- Provide information to landholders on:
    - The impact to their property (by way of maps).
    - The acquisition steps.
    - The disposal steps.
    - Contact persons for clarification and queries.

The goal is to have a consistent message delivered to the affected landholders both verbally and as hard copy for ongoing reference.